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Lord Chief Justice

S C R O G G S

HIS

S P E E C H

IN THE

K I N G S - B E N C H

The first day of this present *Michaelmas Term*

1679.

Occasion'd by the many Libellous Pamphlets which are published against Law, to the Scandal of the Government, and Publick Justice.

T O G E T H E R

With what was Declared at the same Time on the same Occasion, in open Court, by Mr. Justice *Jones*, and Mr. Justice *Dolbin*.

Reprinted at DUBLIN. 1679.

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The Lord Chief Justice SCROGGS his SPEECH In the Kings Bench, The first day of this present Michaelmas-Term, 1679. Occasioned by the many Libellous Pamphlets that are Published against Law, To the scandal of the Government and Publick Justice. with what Mr. Justice Jones, and Mr. Justice Dolbin, then declared about the same.

I Have bound over this Man *Richard Radley* to his good Behaviour, and to appear here this day, for saying false and scandalous words of me, which are Sworn to by two several Affidavits, viz.

William Lewis maketh Oath, That on the seventh day of August 1679. there being a difference between Robert Raylett and Richard Radley, he heard the said Richard Radley say to him the said Raylett, If you think to have the money you have overthrown me in, go to Weale-hall to my Lord Scroggs, for he has received Money enough of Dr. Wakeman, for his Acquittal.

Jurat. 4 die Septembris,

1679, coram me

William Scroggs.

William Lewis,

Robert Raylett maketh Oath, That there was a Tryal at the last Effex Affizes between him and one Richard Radley, where he recovered Thirty eight pounds; and he happening to be at work on the seventh day of August 1679 over against the house of the said Richard Radley, the said Richard Radley told him, If you expect the Money you have overthrown me in, you may go to Weale-hall, for there is Money enough come in now.

Jurat 4 die Septembris,

Anno 1679, coram me

William Scroggs.

Robert Raylett

First, I would have all men know, that I am not so revengeful in my Nature, nor so nettled with this Aspersions, but that I could have passe by this & more, but that the many scandalous Libels that are abroad, and which reflect upon publick Justice, as well as upon my private self, make it the Duty of my place to defend one, and the Duty I owe to my Reputation to vindicate the other.

And having this opportunity, I think this the properest place for both. If once our Courts of Justice come to be awed or swayed by vulgar noise and if Judges and Juries should manage themselves so, as would best comply with the humour of times; 'tis falsely said, That men are tryed for

their Lives or Fortunes, they live by chance, and enjoy what they have as the wind blows, and with the same certainty: The giddy Multitude have constancy, who Condemn or Acquit alwayes before the Tryal, and without proof:

Such a base fearful Compliance, made *Felix* willing to please the people, leave *Paul* bound, who was apt to tremble, but not to follow his Conscience. The people ought to be pleased with publick Justice, & not Justice seek to please the people; Justice should flow like a mighty stream, and if the Rabble, like an unruly wind blow against it, it may make it rough, but the stream will keep its Course.

Neither for my part, do I think we live in so corrupted an Age, that no man can with safety be just and follow his Conscience: if it be otherwise, we must hazard our Safety, to preserve our Integrity.

And to speak more particularly as to *Sir George Wakeman's* Tryal, which I am neither afraid, nor ashamed to mention, I know that all honest and understanding Men in the Kingdom (speaking generally) are thoroughly satisfied with the impartial Proceedings of that Trial, taking it as it is Printed; which was done without the perusal of one Line by me, or any Friend of mine. Though by the way, I wonder by what Authority that Arbitrary Power was assumed, to forbid any Friend of mine the seeing of it, before it was put out.

However, as it is, I will appeal to all Sober and Understanding Men, and to the Long Robe more especially, who are the best and properest Judges in such cases, as to the Fairness and Equality of that Trial.

For those hireling Scriblers that traduce it, who write to Eat, and Lye for Bread, I intend to meet with them another way, for they are only safe whilst they can be secret; but so are Vermine; so long only as they can hide themselves.

And let their Brokers, those Printers and Booksellers by whom they vend their false and braded Ware, look to it; some will be found, and they shall know, that the Law wants not power to punish a Libellous and seditious Press, nor I a Resolution to execute it.

And this is all the answer is fit to be given (besides a Whip) to those Hackney Writers, and dull Observators, that go as they are hired or purr'd, and perform as they are fed, who never were taught.

If there be any sober and good Men that are misled by false Reports, or by subtilty deceived into any misapprehensions concerning that Tryal, or my self; I should account it the highest pride, and the most scornful thing in the World, if I should not endeavour to undeceive them.

To such Men therefore I do solemnly declare here in the Seat of Justice, where I would no more Lye or Equivocate, than I would to God at the Holy Altar,

I followed my Conscience, according to the best of my Understanding, in all that Trial; without Fear, Favour, or Reward, without the Gift of one Shilling, or the value of it directly or indirectly, and without any promise or expectation whatsoever.

This I say to honest men (that know me not) if any that do know me needed this, they should not have had it, for they use me ill; he that knows me and doubts, so long thinks it an even wager, whether I am the greatest Villain in the world or not, one that would sell the life of the King, my Religion, and Countrey, to Papists for Money: And he that says great places have great Temptations, has a little, if not a false Heart himself, for no Temptation is big enough for a sin of this Magnitude.

I would not have the Papists now make any false Conclusions from what I say, that because I reprove the insolence of some mens Tongues and Pens, concerning this Tryal, they shou'd thence infer they have not had or (at least) cannot expect fair play, because some foolish men cry out of their acquittal, and think there is no Justice, where there is no Execution.

They have had fair Tryals, and some that have suffered have had the ingenuity to confess it, and they shall still be Tryed according to the Evidence, and the probability and credibility it carries with it.

But this I must say, he that thinks there is no Plot, is blind with prejudice or wilfully shuts his Eyes.

The Priests and Jesuits had a design to root out the Protestant Religion, and bring in Popery, and that is directly to overthrow the Government; and to effect this, that they would kill the King (were there no more) their Doctrine and Practises go very far to prove it, and he that says the contrary is much out, as where in a Printed Pamphlet he too confidently asserts, that in all their Papers that were searched, there was not one ill Letter found, or any thing that was suspicious: *Colemans Letters* and the Letter found amongst *Harcourts Papers* will never be answered; not by saying that a meeting so exactly appointed, with all cautions imaginable, as not to appear too much about the Town for fear of discovering the design, which in its own Nature requires secrecy, that this was only a meeting to choose an Officer.

And yet to affirm that this is not so much as suspicious at least is a confidence, that the integrity of the King and the safety of the Nation will be preserved.

However in the mean time the extravagant boldness of mens pens and Tongues is not to be indured, but shall be severely punished. For if once Causes come to be Tryed with complacency to popular opinions, and shall be insolently censured if they go otherwise, all publick Causes shall receive their Doom as the multitude happen to be posselt, and at length every cause shall become publick, if they will but espouse it, at every Sessions the Judges shall be arraigned, the Jury condemned, and Verdicts overawed to comply with popular noise and undecent shouts.

There are a sort of men, I doubt, that too much approve and countenance such Vulgar wayes, and count it Art and Stratagem? that embrace all sorts of informations true or false, likely or impossible, nay though never so silly and ridiculous they refuse none, so shall all Addresses be made to them, and they be look'd on as the only Patrons of Religion and Government, though they should have but little of the one and would maintain the other only so far as their own share in it comes to.

These Sir Politicks (if such there are) deceive themselves as much as they do others, and are not what they imagine themselves to be with understanding and honest men, no not with those they think they gull neither, for they use them to serve their purposes, as they think they serve others: and if ever time shall serve, 'twill prove so.

Let us pursue the discovery of the Plot a Gods Name, and not baulk any thing where there is danger or Suspicion upon reasonable grounds, but not so overdo it as to shew our Zeal, we will pretend to find what is not, nor stretch one thing beyond what it will bear to reach another, nor count him a turn-coat, and not to be trusted that will not betray his Conscience and understanding, that will not countenance unreasonable boldness, nor believe incredible things. Least we fall into what we justly condemn in the Papists, cruelty and vain credulity such courses cannot be the result of honest intentions, but shrewdly to be Suspected rather a Disguise in pursuing one Villany to commit another.

For my own part without any other meaning or reservation whatsoever, I freely and heartily declare, I will never be a Papist nor a Rebel, but will to my power suppress Popery as an open Enemy, and Faction as a secret one.

No Act of Oblivion ought to make us to forget by what wayes our late troubles began, when the Apprentices and Porters mutined for Justice

Justice in their own sence. And though I am morally certain, that no such effect will follow as did then, yet the like insolence ought not to be suffered for the example past, and to come.

The City of London, I mean; the Lord Mayor and Aldermen, and generally all men of value and worth there, I think in my Conscience are at this Day as Loyally and Religiously disposed to defend the King and the Government, and maintain the true Protestant Religion to their utmost, as any former Age whatsoever can shew, and I know the King thinks so too, and is therefore really and heartily as kind to them.

And therefore though our Jealousies may be many, our fears need not be so: For whosoever they are that design disturbances & publick Dissensions for private Ends, will finde they are rather troublesome than dangerous, and the greatest mischief they will be able to effect will be upon themselves.

In short it is the proper business of this Court, and our Duties that sit Judges here, to take care to prevent and punish the mischiefs of the Press.

For if men can with any safety Write and print whatever they please, the Papists will be sure to put in for their share too, so that what between them, and the Factious, and the Mercenaries that Write for him that hires, and for what they are hired, we shall be infected with the French disease in Government, and be overrun with Lies and Libels, which agrees neither with English mens honesty nor Courage, who were wont to scorn to say what they durst not own.

Mr. Justice Jones.

We have a particular Case here before us in a matter of Scandal against a great Judge, the greatest Judge in the Kingdome in Criminal Causes, and it is a great and an high Charge upon him. And certainly there was never any Age I think more Licentious than this in aspersing Governours, scattering of Libels and Scandalous Speeches against those that are in Authority. And without all doubt it doth become this Court to shew their Zeal in suppressing it.

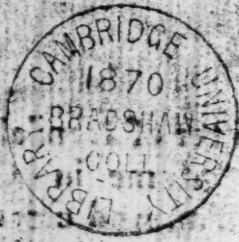
I am old enough to remember (and perhaps feel the smart of it yet) the beginning of the late Rebellion, for a Rebellion it was & deserves no other name). I know it had the forerunner of such Libels and Scandals against the Government as this is, and it followed almost to the subversion of the happiness of the Kingdome. As for the Tryal
hinted

hinted at in this Affidavit I was not present at it my self, I was detained by my usual infirmity, so that I could not attend that Service, nor indeed have I read the Relation of it in Print, so considerably as to give a Judgment upon it. But I am very confident (upon my knowledge of the integrity of my Lord, and the rest of my Lords the Judges that were there) for there were all the Chief Judges and almost all my Brothers) that that Tryal was managed with exact Justice and perfect Integrity by them.

And therefore I do think it very fit that this person be proceeded against by an information, that he may be made a publick Example to all such as shall presume to Scandalize the Government and the Governours with any false aspersions or accusations.

Mr. Justice Dolbin.

I am of that mind truly, and am very glad we have Lit upon one of the Divulgers of these scandals. I was present at that Tryal, and for my part I think the Scandal to my Lord Chief Justice was a Scandal to us all that were there, for if he had misbehaved himself in such a manner as some have reported, we had been strange People to sit still and say nothing or not interpose to rectifie wherein he did amiss. And therefore I desire this man may be proceeded against for an Example to others.



FINIS.

